

REINSTATEMENT OF A REVOKED NURSING LICENSE

Updated: June 2018

Disclaimer

- The following program reflects current Board rules and processes as of the publication date. Nursing practice and nursing regulation are constantly evolving. The Alabama Board of Nursing encourages licensees and the public to consult the ABN Administrative Code to ensure access to current rules and processes. The ABN Administrative Code is available online, at www.abn.alabama.gov.

Objectives

- **Identify** necessary components of the individual's Application for Reinstatement of Revoked Nursing License.
- **Organize** the required components of the Individual's Application for Reinstatement of Revoked Nursing License prior to submission to the Board.

Outline

- Overview
 - Website
 - Public Records
 - Law & Rules
- ALL Applications
- Criminal History
- Substance Use
- Case Scenarios





Alabama Board of Nursing

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My ABN Profile Login

Please enter your license # and password.

License #:

(i.e. 1-999999)

Password:

(Enter last 4 of your SSN or password)

[Forgot Password? Click here](#)

Log In

Nurses with a **permanent license**, regardless of license status, may do the following while logged in to My Profile:

- **Address changes:** You may submit address changes at any time and as often as necessary. It is the licensee's responsibility to keep her or his current mailing address updated in order to receive important Board communications.
- **Name changes:** Name changes will not be saved until appropriate documentation has been received by the Board such as a marriage certificate, divorce decree, or probate court records effecting a legal name change.
 - For proper identification, please include your **RN or LPN license number** or Social Security Number on any documentation you submit to the Board.
 - Any supporting documentation must be uploaded to your online profile when requesting the name change.
- **Continuing Education (CE):** You may view, enter, and edit CE hours that have been earned.
 - Do **not** enter CE earned from a Board-approved provider with an ABNP number.
 - If you have earned CE from a Board-approved provider with an ABNP number that is not in your Individual CE record, please **contact the provider**.
 - The online CE courses offered by the Board can now be found on the [Online Courses](#) tab under [My CE Record](#).
- **LISTSERV:** You may sign up to receive various email updates from the ABN. You may also unsubscribe at any time while logged in.

The ABN is mandated by the Alabama legislature to enforce standards of nursing practice and nursing education. For more information, see the [ABN Administrative Code Chapter 610-X-8, Disciplinary Action](#).

[Investigations](#)[Disciplinary Action](#)[Public Reprimand](#)[Revoked Reinstatement](#)[FAQs](#)[Contact Us](#)[+ GENERAL INFORMATION](#)[+ REQUIREMENTS](#)[+ APPLICATION INFORMATION](#)[+ APPLICATION](#)[+ VIDEO: APPLICATION PROCESS](#)[+ COMPREHENSIVE EVALUATION INFORMATION](#)[+ PROVIDER LIST: COMPREHENSIVE EVALUATION](#)[+ DRUG SCREENS](#)[+ SAMPLE PROCESS](#)[+ FREQUENTLY ASKED QUESTIONS](#)

Public Records

If you need a copy of the final Board Order which revoked your nursing license:

- Submit a Public Records Request
 - Must be submitted in writing
 - Email: abn@abn.alabama.gov
 - Letter
 - Fax
- In person requests may not be filled on same date
 - Routine Board operations

Public Records

Alabama Board of Nursing Administrative Code

§ 610-X-4-.14 Fees

- Copies of Records **\$5.00** search fee plus **0.25** per page

Example: If your previous Consent Order is 18 pages:

\$5.00 Search Fee

\$4.50 (0.25 X 18)

\$9.50

The Law

- Nurse Practice Act

- § 34-21-25. Denial, suspension or revocation of license; administrative fines; voluntary disciplinary alternative program.

- (g) If the accused person is found guilty of the charges, the board may refuse to issue a license, may revoke or suspend a license, or may otherwise discipline a licensee. A revoked license may be considered for reinstatement after one year in accordance with board rules.

The “Rules”

- Alabama Board of Nursing Administrative Code
 - 610-X-8-.11 Reinstatement of a Revoked License

610-X-8-.11 Reinstatement Of A Revoked License.

(1) Application for reinstatement of a revoked license may be made twelve months after the effective date of revocation unless otherwise specified in Order or Agreement.

(2) Applications for reinstatement of a revoked license shall include:

ALL APPLICATIONS

- Paper
- Lengthy, complex, specific, scrutinized
 - Many successfully reinstated
- Revoked AL nursing license # & DOB



License Lookup

Confirm license issuance, status, or advanced practice approval. Perform a primary source verification.

[LOOKUP A LICENSE](#) ▶

ALL Applications

PART A

- Application may be made **twelve months** after the effective date of revocation (1)
- **Non-refundable** application fee (2a)
- **Citizenship**/Legal presence (Basic Licensure Req.)
 - Supporting documentation
- Name change info, if any (Basic Licensure Req.)
- Incomplete applications are not processed
 - Expires after one year

ALL Applications

PART B = Demographics

PART C = Regulatory Questions

PART D = **Continuing Education (CE)** (2c)

(Basic Licensure Req.)

- 24 hours/previous 24 months
- Earn CE in My Profile
- Upload certificates into My Profile



ALL Applications

PART E

- **Detailed letter of explanation** regarding the circumstances that resulted in the revocation of the license and actions taken to address the issue (2b)
- If the license was revoked while on probation or suspension:
 - documented **evidence regarding efforts to comply with any previously stipulated terms** of a Board Order or agreement. (2f)

ALL Applications

PART F (2d)

Verification of the status of **ALL** healthcare-related licenses, certifications, and registrations

- This is required even if you have previously submitted verifications

PART G (2n)

Complete **employment** history:

- Employer/supervisor contact information (if available)
- Employment dates
- Job title / duties
- Reason for leaving

ALL Applications

PART H (2e)

- Five (5) **affidavits** from persons who are not related to the applicant and who have direct **knowledge of the circumstances surrounding the revocation** of the license and the actions taken to address the issue
 - Use **FORM 1: Supporting Affidavit**

Specific Regulatory Questions (Part C)

Criminal History (Part J)

Military History

Criminal History: Requirements

PART J

Pending charges: ANY arrest(s) for misdemeanor or felony charges:

- **Detailed letter of explanation** regarding the circumstances & nature of the charges
- **Case number**
- **Jurisdiction (2k)**

Conviction(s): Misdemeanor or Felony (regardless of court disposition)

Certified copies of court records:

- **Case Action Summary (CAS)** showing the final disposition of the charges
- **Plea / Deferred Prosecution Agreement**
- **Documentation of compliance** with conditions imposed by the Court **(2l)**

Military History: Requirements

- Discharge besides “Honorable”
- Court-martialed
- Detailed letter of explanation
- Official documentation of discharge (DD214)
(2m)



Case Scenarios/Rules:

- 1) Substance Use**
- 2) Public Reprimand**
- 3) Practice**
- 4) Other Revocation**
- 5) Suspension**
- 6) Mental Health**

Case Scenario #1:

Substance Use

History OR Allegation

Substance Use: The “Rules”

PART I, Section I.1

If the circumstances that resulted in the revocation of the license involved allegations of substance abuse, substance dependence, or drug diversion, or if the license was revoked while encumbered by an order requiring a program of random drug screening, the applicant shall provide: (2g)

Substance Use: The “Rules”

Documented evidence of a **comprehensive** substance use disorder **evaluation** and fitness to return to the practice of nursing conducted by a **Board-recognized** treatment **provider** whose program includes a health care professionals tract and completed no more than twelve (12) months prior to the date of the application. (2g1)

- General Release (*Form 3*) 2 weeks prior to Evaluation
 - Board Consultation requirement (2j)
- Board-recognized provider

Comprehensive Evaluation

- Multi-disciplinary inpatient assessment (3-5 d)
 - Board does not tell you what treatment you need
 - Be honest with self
 - Get treatment if needed
 - Physician, Psychiatrist, Clinical Psychologist, Counselors, etc.
- **Recommendations:** abide by and document
 - Fitness to return to the practice of nursing

Substance Use: The “Rules”

- Evidence of **compliance with** all treatment provider **recommendations**. (2g2)
 - Abstinence-based recovery support group meetings (*Form 2*)
 - AA, NA, Celebrate Recovery, etc.
 - Individual therapy
 - Continuing Care

Tip: Have your Sponsor, Therapist, Continuing Care Counselor complete an Affidavit (*Form 1*)

Substance Use: The “Rules”

- Complete results of **drug screens** obtained from participation in a **Board-recognized program of random drug testing** for a minimum of twelve (12) months immediately prior to the date of the application. (2g3)
- See ABN website for third-party drug testing administrator information
- Drug court, DHR, etc. screens do not meet this requirement
 - May be used as supplemental application information

Case 1A: Current Rx Use

- You work as a Medical Assistant or Office Staff. You use the clinic physician as your primary doctor who routinely prescribes pain medications for you.
 - You decline to sign a release form for your selected Evaluator to contact your employer.



Case 1A: Current Rx Use

- You work for a physician as a Medical Assistant or Office Staff. You use this physician as your primary doctor. The physician prescribes pain medications for you routinely.
 - You decline to sign a release form for your selected Evaluator to contact your employer.
- You are a current participant in an Opioid-replacement or Opioid-therapy program.



Case 1B: Past VDAP

Nurse was previously in **VDAP** & VS when she decided to save her family money since she wasn't working due to caring for an ill family member.

— Previous Evaluation & Treatment

- Still must have a Comprehensive Evaluation & 12 months of Drug Screens
- Re-entry to VDAP is NOT an option

Case 1C: Past Consent Order

Nurse was ineligible for admission into VDAP due to denial of SUD. She signed a **CO** which required her to undergo an Evaluation where she was diagnosed with SUD & was recommended for residential treatment. She was unable to afford **\$30,000** for treatment and her license revoked after 12 months.

Case 1D: Other Treatment

(Non Board-approved)



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Case 1D: Other Treatment

(Non Board-approved)

If never completed treatment, probably need to complete a program:

- Covered by insurance/afford
- Abstinence-based meetings: (12-step, Celebrate Recovery, etc.) (*Form 2*)
- Begin drug screens
- Save \$ for Comprehensive Evaluation

Case 1D: Other Treatment

(Non Board-approved)

Comprehensive Evaluation
recommendations:

- Continue Recovery activities
 - Meetings
 - Drug Screens
- Add Individual Therapy



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Case 1E: Voluntary Surrender

VS is a Revocation

- WHY did you VS? WHAT was being investigated?


Must have Comprehensive Evaluation if VS during:

- Alleged diversion/Fail to account for CS
- Arrest involving CS or DUIs
- Alleged substance use at time of VS

Conduct subsequent to VS may warrant
need for Comprehensive Evaluation

Comprehensive Evaluation: Why?

- Determine presence/degree of SUD
- Determination of ability to safely practice nursing
 - Other: Psychiatric diagnosis

- Example 

2 Yr Probation

- Missed drug screens, couldn't complete, VS

Needs to reinstate:

- Comprehensive Evaluation
- 12 months Drug Screens

Recovery

- Complete Tx if you need to
- Be honest with yourself
- Comprehensive Evaluation: Must complete level of treatment recommended
 - If not, invalidates Evaluation
- Get into recovery & document it
- Reinstatement **IS** possible
- Comprehensive Evaluation is starting line

How Much Does All of This COST???

- Comprehensive Evaluation: **\$3000-\$4000**
- Drug Screens: **\$1620 - \$2160** (12 months (2-3x) X \$60-\$80)
- Recovery meetings (12 step, CR, etc.): **FREE!**
- Individual Therapy, *if recommended*: **Varies**
- Aftercare, *if recommended*: **Varies** (usually included in cost of tx)
- CE: **Varies**, but can be **FREE!**
- Application fee: **\$750**
- Fine: **\$1000** (Varies)

Case Scenarios #2-6:

- 2. Public Reprimand**
- 3. Practice**
- 4. Other Revocation**
- 5. Felony**
- 6. Suspension**

Case #2: Public Reprimand

- Nurse signed a Consent Order (CO) for a Public Reprimand for practicing on a lapsed license
- Required to pay \$800 fine within 30 days
- Failed to pay/ license revoked after an Administrative Hearing



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Case #2: Public Reprimand

- Nurse signed a Consent Order (CO) for a Public Reprimand for practicing on a lapsed license
- Required to pay \$800 fine within 30 days
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While revoked, he is arrested for:

- Possession of a Controlled Substance and Possession of Paraphernalia.

OR

- 3 Public Intoxication charges/ DUIs. He enters a Pre-Trial Diversion Program where he completes “classes” & does “color-code.” His criminal charges are dismissed.

Does this nurse need a Comprehensive Evaluation?

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YES

Does this nurse need a Comprehensive Evaluation?

Case #3: Practice

- Nurse VS the license because she moved out of state while the Board was still investigating an employer complaint that she **falsely documented Home Health visits** which she did not perform



Case #4: Other Revocation

- Revoked LPN license > RN school
- No time limits
 - Refresher course



Case #5: Felony

- Prison
- Court requirements met?
 - Probation
 - Restitution, etc.
- **Conduct** of applicant since revocation



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Case #6A: Suspension

- Nurse's license was **suspended for 30 days and until** he completed CE courses on Medication Administration, Documentation, Critical Thinking & Professional Accountability, & paid a \$1000 fine.
 - The Order included an automatic revocation clause that the license would be revoked if the Suspension was not lifted in 12 months.
 - This was due to the nurse's error in medication administration which resulted in an adverse pt outcome.

Case #6A: Suspension

- Nurse submitted certificates for 2 of the 4 ordered CE courses immediately upon the suspension of his license.
 - **Failed** to submit documentation of the remaining 2 CE courses within 12 months
 - **Failed** to pay the fine within 12 months
- Nursing License was **REVOKED** after 12 months elapsed
- What needs to be done to apply for reinstatement of the revoked license?
 - CE courses (previously ordered or equivalent)
 - Fine

Case #6B: Suspension

- What if in this case the **Suspension** was to be followed by a period of **Probation** which included Drug Screening?
 - This nurse will need to do all of the items previously discussed
- AND
- a **Comprehensive Evaluation & Drug Screening**

Case #6B: Suspension

Comprehensive Evaluation & Drug Screening

- WHY?
 - Drug Screening was part of original Order (2g)
- Majority of applicants complete Comprehensive Evaluation & Drug Screening
- Application Part I.1

Case Scenario #7:

Mental Health

Case #7: Mental Health

If the Nurse experienced an episode which caused him/her to be **committed** for psychiatric care, whether, **voluntarily or involuntarily**, call the Nurse Consultant assigned to Applications for Reinstatement of a Revoked Nursing License to further discuss your situation!!



Mental/Physical: Requirements

PART I – Section I.2

If there are allegations of **physical or mental impairment**: (2hi-iii)

- Documented evidence of *current* **neuropsychological** and **physiological** evaluations.
- Compliance with all treatment provider recommendations.
- A statement from the evaluators that the individual is **fit to return to the practice of nursing**.

Board Consultation: Requirements

- Executed **releases** authorizing the sharing of information between and communication with all necessary healthcare providers and Board staff.
 - Providers usually have specific releases **(2i)**
- Submission of results of all required evaluations conducted by a Board acceptable licensed healthcare provider ***in consultation with Board staff***. **(2j)**
 - Form 3

FINAL CONSIDERATIONS:

Application Disposition

I've submitted my application.

Now what?

1. Stay the course
2. Letter from ABN: Notice of Investigation
3. Applications for reinstatement of a revoked license are incomplete until all of the information required to be provided pursuant to this rule has been submitted. The Board may not consider incomplete applications. (3)

I've submitted my application.

Now what?

Applications for reinstatement of a revoked license may be resolved either informally or through the administrative hearing process. (4)

- Informal = Consent Order (CO)
- Formal = Administrative Hearing (AH)

Hearing probable:

- Criminal charges
- Extensive history

Notified of Hearing via:

- Administrative Complaint/ Statement of Charges

I've submitted my application.

Now what?

Most applications
resolved via CO

- Reviewed in order received
- Extensive review
- Usually 4-8 months from application submission to Board disposition



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I've submitted my application.

Now what?

Most applications
resolved via CO

- Reviewed in order received
- Extensive review
- Usually 4-8 months from application submission to Board disposition

Reviewed by Board during
discipline process:

- 6 times/ year

Board Minutes:

- January, March, May, July, September, November

How does the Board evaluate my application?

In considering reinstatement of a revoked license, the Board may evaluate factors that include but are not limited to: (5)

- **Severity** of the act(s) that resulted in revocation of the license.
- **Conduct** of the applicant **subsequent** to the revocation of license.
- Lapse of **time** since revocation.
- **Compliance** with all reinstatement requirements stipulated by the Board.
- Rehabilitation attained by the applicant as evidenced by **statements** provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
- Whether the applicant is in **violation** of any applicable statute or rule.

Discipline Levels

- **Public Reprimand**
 - Fine
- **Probation**
 - Fine
 - Work requirement
 - Employment restrictions
(Home Health, Hospice,
Travel, etc.)
- **Suspension**
 - Very Rare
- **Revocation**

OIG Exclusion

- Office of Inspector General (OIG)
- ABN reports revocations to OIG
- ABN has no authority over OIG Exclusions
- ABN has no jurisdiction over non-licensed nurse employment (Medical Assistant, Nursing Assistant, etc.)



OIG Exclusion

- OIG imposes **exclusions** under the authority of sections 1128 and 1156 of the Social Security Act (Act).
 - Maintains a Listing of Excluded Individuals/Entities (LEIE)
 - Prevents participation in Medicare, Medicaid and all other Federal health care programs.
- An exclusion affects only the ability of the nurse to claim payment from these programs for items or services rendered; *it does not affect the ability of that nurse to receive personal benefits under the programs.*

References

- [Search the OIG Exclusion database](#)

References

- [Alabama Board of Nursing Administrative Code § 610-X-4-.14 Fees](#)
- [Alabama Board of Nursing Administrative Code § 610-X-8-.11 Reinstatement of a Revoked License](#)

Contact us:

abn@abn.alabama.gov